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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Gowri Pyapali Selvan  
Serial No.: 09/988,728  
Filing Date: TBD  
Title: Methods and Apparatus for Detecting and Quantifying Lymphocytes with Optical Biodiscs

Commissioner for Patents  
Washington, D.C. 20231

**FAX RECEIVED****NOV 14 2002**

**RENEWED PETITION TO REQUEST  
NOVEMBER 16, 2001 FILING DATE**

**PETITIONS OFFICE**

Applicant renews her requests for a November 16, 2001 filing date for the above-referenced application, which was deposited with Express Mail on that date, but returned due to a temporary suspension of delivery by the U.S. Postal Service.

**Prior Petition**

Applicant previously filed a petition under December 13, 2001, requesting the November 16, 2001 filing date. For some reason, the petition was mishandled in the Patent Office, and was not addressed until after a status inquiry was mailed on October 7, 2002.

In a decision on petition mailed October 30, 2002, the attorney for the Office of Petitions dismissed the prior petition and stated that the petition should be treated under 37 C.F.R. §1.10(d), but contended that the petition was not adequately corroborated by evidence (1) from the U.S. Postal Service, or (2) that came into being after deposit and within one business day of the deposit of the correspondence in the Express Mail drop box.

Applicant renews her petition, and contends that the petition is supported by evidence, both from the U.S. Postal Service and from evidence that came into being within one business day after deposit of the correspondence.

Evidence from the USPS

On Monday, November 19, 2001, the envelope with the application was returned to counsel with a notice from the U.S. Postal Service, indicating that Express Mail was not being accepted for zip codes beginning with "202." The USPS notice is dated November 16, 2001. A copy of the envelope and the USPS notice with the November 16, 2001 date was attached in the prior petition as Exhibit B, with the Express Mail number matching the number shown in Exhibit A.

This notice was pasted in its entirety on the envelope, and thus constitutes "evidence from the USPS" of the November 16, 2001 mailing date.

As indicated in the prior petition, the envelope (unopened) was sent by overnight mail to the legal representative's Washington office for hand delivery on Tuesday, November 20, 2001. That hand delivery included a letter requesting a November 16, 2001 filing date. The letter was attached to the unopened package, a copy of which letter was attached with the original petition. Consequently, it is believed that there is no Express Mail receipt.

Evidence That Came Into Being After Deposit and Within One Business Day of the Deposit of the Correspondence in the Express Mail Drop Box

As part of the submission submitted with the original petition, a document entitled "Verification of Mailing" was attached as Exhibit A. This document was a verification of mailing signed by the undersigned on November 18, 2001, which was within one business day of the mailing on November 16, 2001 (November 16, 2001 was a Friday, and therefore the next business day was November 19, 2001).

This Verification of Mailing is a document prepared by the undersigned in the ordinary course to serve as evidence of mailing in the event of a problem with delivery like the current one. It is believed that such a verification has been prepared for every application filed by the undersigned (absent error or special circumstances) since the patent office rules (37 C.F.R.) were changed to require that evidence of Express Mail mailing come into being after filing (as opposed to the prior rule which allowed an Express Mail certification to be enclosed with the papers being filed).

Typically, if the package is being filed early enough in the day, it is delivered by a staff member. On some occasions, the undersigned would personally drop packages in the box outside the offices if before the 6:00 P.M. deadline for pickup at the Express Mail Box.

The Verification of Mailing is typically put into the files after it is signed by the person who actually makes the deposit.

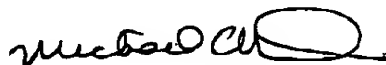
Conclusion

For the reasons stated above, it is contended that evidence has been provided from the U.S. Postal Service, and also evidence of deposit created within one business day after the deposit of the correspondence has been submitted.

It is believed that this matter should not require a petition fee. If any fee is required, please charge it to our Deposit Account No. 08-0219.

If the petitions attorney has any questions relating to this matter or needs any further information, he is urged to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,



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Docket No. 111.465.132 (PROV 104/118/216)

November 14, 2002